#### STAFF REPORT

**DATE:** June 28, 2017

TO: Board of Adjustment FROM: Zoning Administration

Planning & Development Services Department

**ACTIVITY NO. T17SA00219** 

C10-17-12 CRUZ RESIDENCE CARPORT ADDITION / HOLLAND CONSTRUCTION LLC FOR MARIA C. CRUZ / 214 WEST COLUMBIA STREET, R-2

The applicant's property is an approximately 5,500 square foot lot developed with a single-family residence and carport and is zoned R-2, "Residential". The applicant replaced a damaged carport with a new 345 square foot carport, attached on the west side of the residence.

#### THE APPLICANT'S REQUEST TO THE BOARD

The applicant is requesting the following variance:

1) Allow the attached carport to remain as constructed with a side perimeter yard setback reduced from 6' -0" to 0' -6", as measured from the west lot line, all as shown on the submitted plans.

# APPLICABLE TUCSON ZONING CODE SECTIONS

Tucson *Unified Development Code (UDC)* sections applicable to this project include, in part, the following:

Section 4.7.9 Residence Zone (R-2) and Table 4.8-2 Permitted Uses – Urban Residential Zones which provide the use criteria in the R-2 zone; and

Table 6.3-2.A Dimensional Standards for the R-1, R-2, R-3, MH-1, and MH-2 Zones, which provide the dimensional standards applicable to all principal and accessory structures in the R-2 zone.

# **GENERAL DEVELOPMENT INFORMATION**

#### **Zoning and Land Use**

SITE: ZONED R-2; (single-family residential)

North: Zoned R-2; (single-family residential)

South: Zoned R-2; (single-family residential)

East: Zoned R-2; (single-family residential)

West: Zoned R-2; (multi-family residential)

#### **RELATED PLAN REVIEWS**

#### **Engineering**

The Engineering Section of Planning and Development Services Department has no objection or adverse comments.

#### **RELATED CASE**

Environmental Services Department (ESD) - Code Enforcement Division: Case No. T16DV04067 - A notice of violation was issued on July 1, 2016 for an unsafe structure as a result of a vehicle hitting the carport. The carport was replaced without first obtaining permits. The status is now pending the outcome of this variance application.

#### **BOARD OF ADJUSTMENT FINDINGS**

The Board of Adjustment can hear and decide a variance request from the regulations listed in the Unified Development Code. The Board may grant a variance only if it finds the following:

- 1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
- 2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property.
- 3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
- 4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC.
- 5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- 6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood.
- 7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions which are in question.

#### **ZONING ADMINISTRATION CONSIDERATIONS**

The applicant's property is an approximately 5,500 square foot lot developed with a single family residence and carport and is zoned R-2, "Residential". The applicant

replaced a damaged carport with a new 345 square foot carport, attached on the west side of the residence. The construction triggers compliance with Tucson *Unified Development Code (UDC)* sections applicable to the new construction.

#### **Attached Carport**

Per *UDC* Table 6.3-2.A, based on a wall height of 8'-6", the minimum side perimeter yard setback as measured from the west lot line to the attached carport is 6'. The applicant is requesting a variance to allow the west perimeter yard setback to remain as reduced to 0'-6".

#### Discussion

The property is located in a neighborhood with narrow, deep parcels. The applicant's property is developed with the residence occupying the majority of the lot length wise and closer to the east lot line, resulting in a west side yard that is approximately 15' wide. According to the aerial photo, a carport has existed in the same location since at least 1998. The current owner, whom has lived on the property since 2010, recently had the carport replaced after a vehicle ran into the structure. The rebuilt single carport is located in the previous building footprint and due to a minimum necessary width of approximately 10', cannot meet setbacks. This location is the most reasonable given that the driveway and access to the carport has been established since at least 1998 and is consistent with other properties in the neighborhood.

## Conclusion

Given there are special circumstances such as the size of the lot and existing site conditions, and that the carport is compatible with the neighborhood and would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, staff has no objection to the requested variance.

# **NEIGHBORHOOD CONTACT (BY APPLICANT)**

See the attached neighborhood notification dated March 24, 2017 and the summary of the onsite meeting dated April 3, 2017.

# **PLANNING & DEVELOPMENT SERVICES RECOMMENDATION**

PDSD staff no objection to the applicant's requested variance.

It is the opinion of staff that there are special circumstances applicable to the property; and that granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Mark Castro, Lead Planner for Russlyn Wells, Acting Zoning Administrator

RW:mc: s/zoning administration/ba/1712.doc

# BC. RD OF ADJUSTMENT APPLICATION

## PROPERTY INFORMATION

(For example: Al's Bar & Grill, Brown Residence Carport Add	dition, or Palo Verde Shopping Center, etc.)
PROJECT ADDRESS: Z14 W COLUMBIA ST (Note: If the site is vacant ask Pima Co. Addressing, 201 N. Stor	ne, for an Administrative Address)
ZONING OF PROPERTY e.g. R-1, C-2, O-3, I-1 Authorized	l, etc: <u>Z-Z</u>
PROJECT TYPE (check all that apply):  ( ) New building on vacant land ( ) New addition to existing building (×) Existing building needs permits	( ) New building on developed land ( ) Change of Use to existing building ( ) Other REBUILT Ex. CAPPORT
RELATED APPLICATIONS (check all that apply and prov	ide case numbers):
( ) Board of Adjustment C10 ( ) HI	PZ
( ) DDO ( ) Re	ezoning C9
( ) SE ( ) Ot	her
LIST ALL RELATED PERMIT ACTIVITY NUMBER/S _	T17CM00175
APPLICANT INFORMATION: AGENT (The person authorized to process the application of	on behalf of the property owner):
NAME: HOLLAHD CONSTRUCTION -	KARL A. HOLLAHD
ADDRESS/ZIP: PO BOX 44288, TUCSO	N AZ 85733
BUSINESS EMAIL: hc Karl 12 Pms	1. com
BUS. PHONE: (523) 372 - 8152 FA	X: 629 325 - 3023
[PROPERTY OWNER/S (If ownership is in escrow, please	note)]:
NAME: MARIA CRUZ	
MAILING ADDRESS: Z14 W. COLUMBIA	+ ST.
TUCSON, AZ	ZIP: 85714
[SIGNATURE OF PROPERTY OWNER OR ATTACH LE AGENTI:	TTER OF AUTHORIZATION FOR
(NOTE: REQUIRED BY BOARD RULES)	
ACTIVITY NUMBER: 7773A00819	

# BOA. D OF ADJUSTMENT - REQUIREL ANDINGS

Arizona State Statutes and UDC Section 3.10.3.K. state that the Board may grant a variance <u>only</u> if the variance request complies with each and every one of these "Findings" in full. It is up to the applicant to explain to the Board how the request complies with each Finding. **Important Note:** Do not leave any "Finding" unanswered or marked "Not Applicable" or "N/A".

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;
MANY PROPERTIES SIMILAR IN CLASSIFICATION & TOHING HAVE STENTURES
17HO/OR CARPORTS WITHIN THE DISTANCES/SETBACKS AS THE SUBJECT PROPERTY
2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property;  THE PRESENT DUNER BEING TITLED & DEFOND TO THIS PROPERTY
THE FRESTIAT DUNER ISKING LITERS & DEPONDED TO THIS FROMERLY
SINCE 2010 HAD NO PARTICIPATION OF THE STRUCTURE IN QUESTION,
3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located;  THE GRANTED VARIANCE WILL MOT CONSTITUTE SPECIAL PRIVALEDZES
1 NCONSISTEME WITH NEARBY PROPERTIES FOR MOST HAVE STRUCTURES  SIMILAR TO THIS  4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC;  DUE TO THE LOCATION OF THE DWELLING ON THE SITE THE
PROPERTY MAY NOT CONFORM FOR THE PURPOSE OF THIS STEVETURE (CARPORT) DUE TO IT'S PROXIMITY TO THE PROPERTY LINE.  5. That the granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;  THIS STRUCTURE WILL NOT BE BY ANY MEANS OF TRIMENTAL,
IMPEDIE OR BE HJURIOUS TO OTHER PROPERTY OR IMPROVEMENTS
6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood; and,  THE PROPOSED VARIANCE WILLHOT IMPAIR CLOHTINION AIR
TO ADJACENT PROPERTY OR IHCREASE CONGESTION. THE STRUCTURE
CHTHE CONTRACT WILL INPROVE HOME L'ALUES A DECREASE CONCESTION.  7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions that are in question.
THE CRAHTED VAICIAHUE IS THE MIMIMAL VAICIAHUE TO AFFORD
POSSIBLE FUR THE UDC IN ROESTLOH
POSSIBLE FUR THE UDC IN COESTLOH

B/A CASE NUMBER: C10- \_\_ - \_\_\_\_

# APPLICA I'S REQUEST TO THE BOARD O. ADJUSTMENT

Provide applicable UDC Section reference, what is required and what is proposed/provided for each

variance requested.		
REGULAR FOR THIS PARTICULAR SECTION IS A MINIMOM		
60" SETIMACK FROM PROPERTYLINE TO THE PROPOSED		
STRUCTURE.		
PROPOSED FOR THE VARIANCE REQUESTED IS A STAUCTORIE WEST DU FROM THE PROPERTYLINE TO SUFFLEE THE REQUIRED		
GUIDELIHES FOR THIS VARIANCE & FIRE SEPARATION		
WILL BE PROVIDED HAVING HOT LESS THAN A ONE-HOUR		
FIRE - RESISTIVE RATING WITH EXPOSURE FROM BOYH SLOES		
B/A CASE NUMBER: C10		

#### PROJECT DESCRIPTION

Provide a description of the project including, but not limited to its lot area, square footage of proposed or existing structures, proposed use/s, is a multiphase project, etc. If this project is the subject of a rezoning or special exception request, HPZ review, or a zoning violation, please provide current status of that case.

DESCRIPTION: A CARPORT STRUCTURE (SINGLE CARPORT) TO
PROVIDE COVER FOR A SINGLE AUTOMOBILE.
THE SUBTRET STRUCTURE WILL BE 345 SFT. AND HAVIND
ALOT COVERAGE OF 6.25%
THIS CURENT CASE IS IN VIOLATION OF ZONING.
THE EXISTING STATUS /S ACTIVITY # TITCM DO175
AND HAS BEEN PEDIEWED BY A UDC EXAMINER
B/A CASE NUMBER: C10-



#### CDRC TRANSMITTAL

FROM: Andrew Connor, Planner

PROJECT: T17CM00175 214 W. Columbia St.

TRANSMITTAL: January 18, 2017

COMMENTS: The following comments are for the purpose of applying for a variance before the Board of Adjustment (UDC Section 3.10.1).

This site is located in the R-2 zone (UDC 4.7.9). A single-family residence (SFR) is a permitted use in this zone (Table 4.8-2). See Use-Specific Standards 4.9.7.B.5 - 9.

The minimum setback is the greater of six (6) feet, or two-thirds (2/3) the height of the structure's wall facing each interior property line (Table 6.3-2.A).

The applicant is proposing an attached carport with an overall height of 8' 6" the setback indicated on plans is 6" to the West property line, the required setback would be 6'.

DR12 21-18-17 COMMENTS: The following comments are for the purpose of applying for a variance before the Board of Adjustment (UDC Section 3.10.1).

This site is located in the R-2 zone (UDC 4.7.9). A single-family residence (SFR) is a permitted use in this zone (Table 4.8-2). See Use-Specific Standards 4.9.7.B.5 - 9.

The minimum setback is the greater of six (6) feet, or two-thirds (2/3) the height of the structure's wall facing each interior property line (Table 6.3-2.A).

The applicant is proposing an attached carport with an overall height of 8' 6" the setback indicated on plans is 6" to the West property line, the required setback would be 6'.

201 N. Stone Avenue, 1st Floor Name and Address of Sender PLANNING & DEVELOPMENT SERVICES Holland Construction, LLC Tucson, AZ 85733-4288 Article Number P.O. Box 44288 Phone: 791-5550 Fax: 791-4340 Check type of mail or service: Delivery Confirmation
 Express Mail
 Insured COD 170071801 Addressee (Name, Street, City, State, & ZIP Code) Tucson, AZ 85701 Recorded Delivery (International)
 Registered
 Return Receipt for Merchandise
 Signature Confirmation Postage Affix Stamp Here (If issued as a Postmark and Date of Receipt copies of this bill) Fee Handling Charge Actual Value if Registered Value Due Sender if COD

Fee

SC

# RECEIPT

FEES RECEIPT #: R1706543

ACTIVITY #: T17SA00219

Date: 05/22/2017 Submittal date

Title: C10-17-12 Cruz Residence Carport Addition

Online Trans #:

Time: 02:46 PM

Address:

214 W COLUMBIA ST TUC

Legal:

NATIONAL CITY NO 2 AMENDED W15' LOT 8 & E25' OF LOT 7 EXC

N7.5' FOR ALLEY BLK 19 - 06075

Square Footage:

Composition Type: LUCAPPS

Activity Description:

Valuation: \$0.00

Construction Type

Applicant: HOLLAND CONSTRUCTION KARL A HOLLAND

520-322-8152

PO BOX 44288

Meighborhood Office Manager

ivacy Act Statement on Reverse

# **Holland Construction LLC**

# **Complete Contracting Services From Design To Finish**

Licensed, Bonded, & Insured

#### OFFER TO MEET NOTICE

DESCRIPTION OF PROJECT: CARPORT REPAIR AND CONSTRUCTION

DAMAGE OCCURRED FROM A VEHICLE IMPACT ON

THE SUBJECT CARPORT

VARIANCE CONSIDERATION: REQUIREMENT IS A SET BACK OF 6'0" BETWEEN THE

STRUCTURE AND THE PROPERTY LINE

PROPOSED IS THAT THE STRUCTURE WILL BE APPROXIMATELY 6" FROM THE PROPERTY LINE WITH A FIRE SEPARATION. (EXTERIOR WALLS & OVER HANGS WITH A FIRE SEPARATION DISTANCE LESS THAN 3 FEET FROM PROPERTY LINE SHALL HAVE NOT LESS THAN A ONE-HOUR FIRE RESISTIVE RATING WITH EXPOSURE FROM BOTH SIDES)

TIME AND PLACE OF MEETING: MONDAY, APRIL 3RD AT 9:00AM

214 W. COLUMBIA ST. TUCSON, AZ 85714

IMPORTANT NOTE: THIS VARIANCE TO THE BOARD OF ADJUSTMENT WILL BE

SUBMITTED TO THE CITY STAFF FOR PROCESSING AND THAT THE CITY OF TUCSON WILL SEND AN OFFICIAL NOTICE WITH THE DATE, TIME AND PLACE OF THE BOARD OF ADJUSTMENT

**PUBLIC HEARING** 

# **Holland Construction LLC**

# **Complete Contracting Services From Design To Finish**

Licensed, Bonded, & Insured

#### SUMMARY OF ONSITE MEETING

The onsite meeting was held on April 3<sup>rd</sup>, 2017 at 9:00am at the subject property located at 214 W. Columbia street, Tucson, AZ 85714. In attendance was the owner along with two other neighbors, see sign in sheet.

The meeting consisted of the project overview: what is required by the UDC – a 6'0'' setback or 2/3 of the height of the structure, whichever is greater, from the property line, and what is proposed for the variance – a fire barrier compliant with applicable codes with the proposed structure having a setback of 6''.

Also stated in the meeting was the reason for the application for the variance in that it was necessary for this proposed setback due to the fact that any greater of a setback there would be no adequate space to build this proposed carport.

A question and answer segment was conducted after the description of the project was discussed.

The meeting was adjourned at approximately 9:41am.

# **Holland Construction LLC**

# **Complete Contracting Services From Design To Finish**

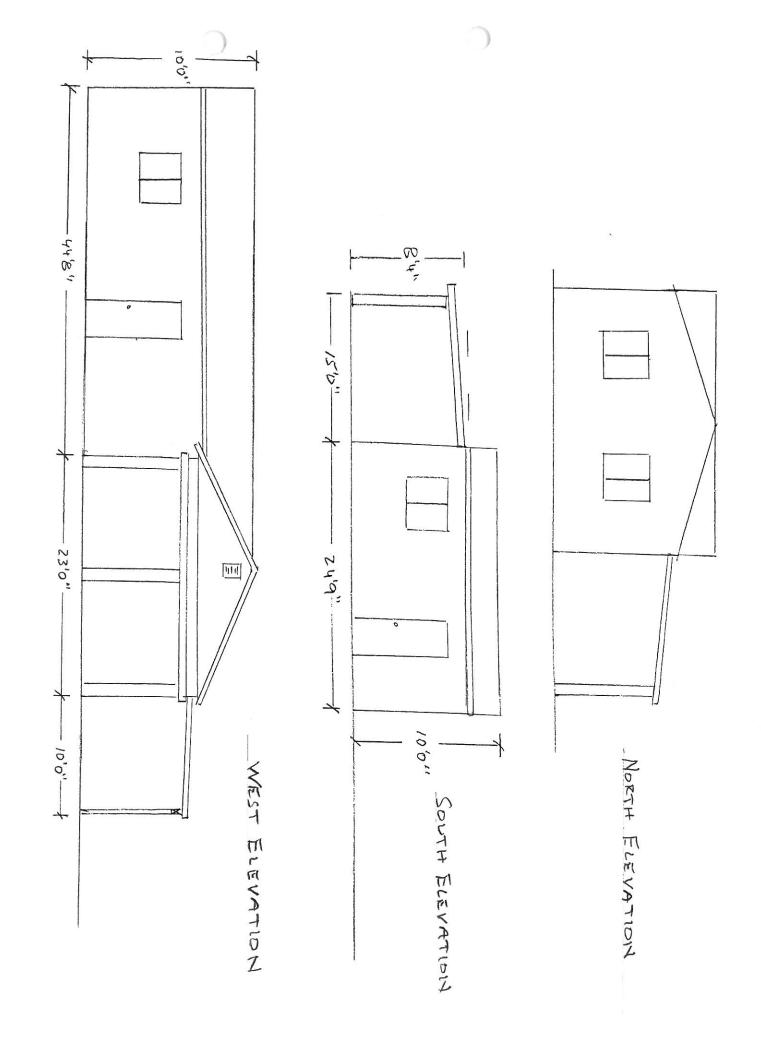
Licensed, Bonded, & Insured

ATTENDANCE SIGN IN SHEET

Maria Contreras Maria Contreras Maria Cong XBlanca Tolano









# **Pima County Geographic Information Systems**

# Parcel 120-07-291C

Read the <u>Disclaimer</u>. Information on this page is unofficial.

Mail name and address

Legal description

120-07-291C CRUZ MARIA A 214 W COLUMBIA ST TUCSON AZ 85714-2516 NATIONAL CITY NO 2 AMENDED W15' LOT 8 & E25' OF

LOT 7 EXC N7.5' FOR ALLEY BLK 19

#### Situs (property) address

(About situs addresses)

Street Address

Jurisdiction Postal City Zip Code

214 W COLUMBIA ST TUCSON TUCSON 85714

ZIP+4 Lookup

#### Information for this parcel

- For Assessor parcel details, copy and paste Parcel ID 12007291C into the Pima County Assessor's "Quick Search". We cannot link directly. Also see Assessor Record Maps.
- Real Estate Property Tax Inquiry and Property Tax Statement from the Pima County Treasurers's Office.
- Recorded Information from the Pima County Recorder's Office
  - Recorded Document for Docket 8165, Page 20.
  - Voter Precinct and Districts
- · Subdivision Plat Map for Book 6, Page 75.
- Pima County Sanitary Sewer Connection Search
- Permits from Pima County Development Services.
  - · Permit Database Search
  - Historical Permit Cards Prior to about 1998
- <u>Development Activity Records</u> (permit, plat, rezoning) from City of Tucson DSD Property Research Online.
- Section Information and Maps for Township 14S, Range 13E, Section 36. This parcel's GIS overlay details Grids group is a more complete analysis of sections when parcel boundaries extend outside of the listed section.
- · Floodplain Information:
  - · Parcel Floodplain Information. See FEMA Digital Flood Insurance Rate Maps (DFIRMs) for more.
  - City of Tucson jurisdiction. See City of Tucson Floodplain Information or call (520) 791-5609.

• <u>ZoomTucson</u> services and <u>ZoomBiz</u> incentives near this parcel from the <u>City of Tucson</u>. These are also useful for many parcels outside of the City of Tucson.

#### Over 100 parcel details from GIS overlay analysis

Learn more about parcel GIS overlay details. See a list of all details.

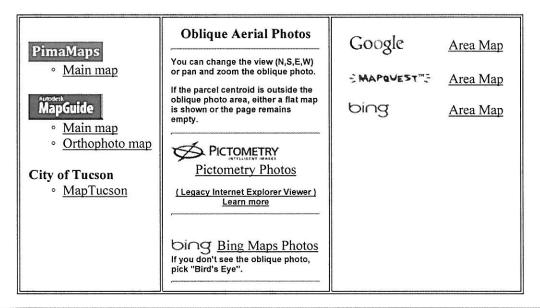
<u>Airports</u>	<u>Grids</u>	Sonoran Desert Conservation Plan
Associations	Incentive Zones	Transportation
Census	<u>Jurisdictions</u>	<u>Utilities</u>
Comprehensive Plan-Pima Prospers	Landscape Classifications	Zoning
Development	<u>Miscellaneous</u>	
Floodplain-Defined by Pima County RFCD	Other Regulatory Areas	
Floodplain-FEMA	Public Safety	
Governmental Districts and Areas	Schools	

#### Parcel GIS geometry details

Accuracy is limited to that of the GIS parcel data. All data is subject to this disclaimer.

Parcel centroid coordinates	Approximately 32.173420 degrees latitude, -110.972272 degrees longitude.
Parcel area	This is only an estimate from GIS data.  The Subdivision Plat Map may also specify parcel area. See Finding Parcel Areas.
	Approximately 0.12 acres or 5,307 square feet.

#### Zoom to maps of the parcel's area



120-07 23/58

NATIONAL CITY No. 2 AMENDED

BLOCK 19

ß AVE. HININ 131.5 ST. (2) 9 ST. N (3) (%) ► ്ക് ര 242 280 **6** m (R) COLUMBIA DISTRICT (g) '0 ( AVE. BELMAR

ALLEY WAS DEDICATED BY STATEMENT ON THE PLAT THAT WHEN ANNEXED TO THE CITY OF TUCSON, THE EASEMENTS WOULD BECOME ALLEYS. IN THE OPINION OF THE COUNTY ATTORNEY (OMNION NO. 322, DATED 5/28/81 THIS DEDICATION IS VALID. NOTE:

130

SEE BOOK 6 PAGE 75,M & P.

SCALE-1=60

## VARIANCE SUBMATAL REQUIREMENTS - FOR STAFF USE ON FILING DAY Case Number: C10-17-12 Date Filed: BA public hearing date: Reviewed by: Project Address: 214 IN OLUMBIA BOARD OF ADJUSTMENT APPLICATION FORM (Signed by the Property Owner or Authorized Agent - include letter of authorization) BOARD OF ADJUSTMENT FINDINGS ATTACHMENT (All Findings "1" through "7" must be answered in full) APPLICANT'S VARIANCE LIST TO THE BOARD (Numbered list indicating UDC regulation - What this regulation requires - What is actually provided) PROJECT DESCRIPTION (Narrative description of project by the applicant) RELATED UDC PROCESS DECISION OR RECOMMENDATION LETTERS (ParkWise TEAM, Historic Plans Review Subcommittee, Special Exception, SCZ, Rezoning, etc.) FINAL UDC (zoning) COMPLIANCE REVIEW COMMENTS (Final UDC compliance review comments made on Permit card, CDRC Comments or by Memo) PROOF OF APPLICANT'S MAIL NOTICE AND MEETING (Proof of mailing - Copy of letter to neighbors - Summary of onsite meeting with sign-in sheet) ✓ 315 FOLDED COPIES OF PROJECT SITE PLAN\* (Detailed plan that was submitted to PDSD for final *UDC* compliance review comments) 1 315 FOLDED COPIES OF PROJECT BUILDING ELEVATION AND/OR FLOOR PLANS (If applicable to the project's variance request - Ask Zoning Admin staff at PDSD if unsure) 15 FOLDED COPIES OF PROJECT LANDSCAPE PLAN (If applicable to the project's variance request - Ask Zoning Admin staff at PDSD if unsure) HF FULL SIZE PLANS ARE PROVIDED ALSO INCLUDE ONE (1) EACH AT 11" x 17" PIMA COUNTY ASSESSOR'S PROPERTY PRINTOUT(S) PIMA COUNTY ASSESSOR'S LOT AND BLOCK MAP OTHER: BOARD OF ADJUSTMENT FILING FEES Applications to the B/A that include LANDSCAPE, SCREEN or SCENIC ROUTE variances or **APPEALS** must also submit an application for DRB review. Include the following: (DRBfor: Meeting Date Case Number DRB FILING FEES DRB APPLICATION FORM

DRB SUBMITTAL ITEMS

(DRB-\_- for: Meeting Date

[ ] DRB FILING FEES
[ ] DRB APPLICATION FORM
[ ] FINAL UDC COMPLIANCE REVIEW COMMENTS
[ ] APPLICANT'S VARIANCE/DDO LIST TO THE DRB
[ ] PROJECT INFORMATION ATTACHMENT
[ ] 8 SETS OF PROPERTY PHOTOS
[ ] 8 SETS OF PROJECT SITE AND/OR BUILDING ELEVATION PLANS
[ ] 8 SETS OF PROJECT LANDSCAPE PLANS
[ ] IF FULL SIZE PLANS ARE PROVIDED ALSO INCLUDE ONE (1) EACH AT 11" X 17"
[ ] PIMA COUNTY ASSESSOR'S PROPERTY PRINTOUT(S)
[ ] PIMA COUNTY ASSESSOR'S LOT AND BLOCK MAP
[ ] OTHER:

SUBMITTAL COMMENTS BY STAFF: